

United States Senate

WASHINGTON, DC 20510

April 24, 2024

Mr. Karim A. A. Khan KC
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10
The Hague, The Netherlands

Dear Mr. Khan,

We write regarding the reports that the International Criminal Court (ICC) may be considering issuing international arrest warrants against Prime Minister Benjamin Netanyahu and other Israeli officials. Such actions are illegitimate and lack legal basis, and if carried out will result in severe sanctions against you and your institution.

The ICC is attempting to punish Israel for taking legitimate actions of self-defense against their Iranian-backed aggressors. In fact, in your own words, you witnessed “scenes of calculated cruelty”¹ conducted by Hamas in Israel following the October 7 attacks. These arrest warrants would align the ICC with the largest state sponsor of terrorism and its proxy. To be clear, there is no moral equivalence between Hamas's terrorism and Israel's justified response.

The ICC is also prohibited by its charter from proceeding in any case unless the relevant government is unwilling or unable to police themselves. You yourself have said that “Israel has trained lawyers who advise commanders and a robust system intended to ensure compliance with international humanitarian law.”² By issuing warrants, you would be calling into question the legitimacy of Israel's laws, legal system, and democratic form of government.

Issuing arrest warrants for the leaders of Israel would not only be unjustified, it would expose your organization's hypocrisy and double standards. Your office has not issued arrest warrants for Iran's Supreme Leader Ayatollah Ali Khamenei or any other Iranian official, Syrian President Bashar al Assad or any other Syrian official, or Hamas leader Ismail Haniyeh or any other Hamas official. Nor have you issued an arrest warrant for the genocidal General Secretary of the People's Republic of China, Xi Jinping, or any other Chinese official.

Finally, neither Israel nor the United States are members of the ICC and are therefore outside of your organization's supposed jurisdiction. If you issue a warrant for the arrest of the Israeli leadership, we will interpret this not only as a threat to Israel's sovereignty but to the sovereignty of the United States. Our country demonstrated in the American Service-Members' Protection Act the lengths to which we will go to protect that sovereignty.

The United States will not tolerate politicized attacks by the ICC on our allies. Target Israel and we will target you. If you move forward with the measures indicated in the report, we will move to end all American support for the ICC, sanction your employees and associates, and bar you and your families from the United States. You have been warned.

¹ <https://news.un.org/en/story/2023/12/1144362>.

² <https://www.icc-cpi.int/news/icc-prosecutor-karim-khan-kc-concludes-first-visit-israel-and-state-palestine-icc-prosecutor>.

Sincerely,



Tom Cotton
United States Senator



Mitch McConnell
United States Senator



Marsha Blackburn
United States Senator



Katie Boyd Britt
United States Senator



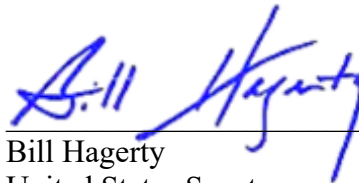
Ted Budd
United States Senator



Kevin Cramer
United States Senator



Ted Cruz
United States Senator



Bill Hagerty
United States Senator



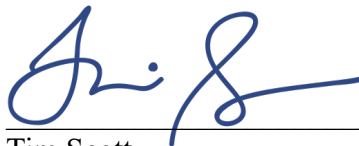
Pete Ricketts
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Marco Rubio
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Rick Scott
United States Senator



Tim Scott
United States Senator